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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,923	03/27/2001	Mark S. Hoffman	9547	4274

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EXAMINER

VU, KIEU D

ART UNIT PAPER NUMBER

2173

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/818,923	Applicant(s) HOFFMAN, MARK S.	
	Examiner Kieu D Vu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-14 and 16-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-14 and 16-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 10/06/04, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-6, 8-14, and 16-31 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 8-12, 16, and 18-31 are rejected under 35 U.S.C. 102(b) as being anticipated by "SigBox. OCX ActiveX Control for Point of Sale Terminals, Version 4.3 rev 2, October 29, 1999 (hereinafter "SigBox").

Regarding claims 1, 10, and 16, SigBox teaches a signature capture terminal (see SigBox in page 26) comprising a signature capture area operative to receive a

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signature of a user (see "Signing Area" in SigBox in page 26) and an audio generator operative to produce audio feedback to the user in response to receipt of the signature, the audio feedback correlated to input of the signature (see "SoundBell Method in page 75, "SoundSetFrequency Method" and "SoundTone Method in page 76).

Regarding claims 2 and 11, SigBox teaches the audio feedback comprises an audio signal having a characteristic thereof that varies in correlation to the input of the signature ("bell", "alarm", "success", or "fail" sound in pages 75-76).

Regarding claims 3, 12, and 18, SigBox teaches the characteristic is frequency (sound frequency in page 76).

Regarding claim 4, SigBox teaches the audio has a second characteristic that varies in correlation to the input of the signature (sound duration in page 76).

Regarding claim 8, SigBox teaches an overlay adapted to be placed over the signature capture area and operative to accept PIN entry for the signature capture terminal (GetDUKPTbinaryPIN Method, GetDUKPTtextPIN Method) (page 44) (GetMasterSessionBinaryPIN Method) (page 47), (GetMasterSessionTextPIN Method) (page 48).

Regarding claim 9, SigBox teaches the audio generator is operative to generate further audio feedback in response to user input of a PIN via the overlay (see "SoundBell Method in page 75, "SoundSetFrequency Method" and "SoundTone Method in page 76).

Regarding claim 19, SigBox teaches a method of operating a signature capture terminal having an input device (see SigBox in page 26), comprising the steps of:

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entering a written signature with a stylus (see stylus pen in page 26) into said input device of said signature capture terminal (signature is entered into SigBox's control rectangular window) (page 26), and generating signature data in response thereto and storing said signature data in a memory of said signature capture terminal (save the signature to a memory object) (see BSTR Method and SaveMem Method in page 65); and generating audio feedback in response to said entering step (see "SoundBell Method in page 75, "SoundSetFrequency Method" and "SoundTone Method in page 76). said audio feedback having characteristics correlated to attributes of said written signature ("bell", "alarm", "success", or "fail" sound in pages 75-76).

Regarding claims 20 and 27, SigBox teaches attributes of said written signature includes horizontal position of said written signature on a signature capture area of said input device (see SigBox control's rectangular window for horizontal position of the signature, page 26).

Regarding claims 21 and 28, SigBox teaches attributes of said written signature includes vertical position of said written signature on a signature capture area of said input device (see SigBox control's rectangular window for vertical position of the signature, page 26).

Regarding claims 22 and 29, SigBox teaches generating audio signal in response to said entering step and one of said characteristics of said audio feedback includes frequency of said audio signal (sound frequency in page 76).

Regarding claims 23 and 30, SigBox teaches generating audio signal in response to said entering step, and one characteristics of said audio feedback includes amplitude of said audio signal (bell sound in page 75).

Regarding claim 24, SigBox teaches displaying a visual image of said written signature with a display device in response to said entering step (see signature image in page 26).

Regarding claims 25 and 31, SigBox teaches input device is selected from the group consisting of: a touch screen input device, a sonar screen input device, and a pressure sensitive transducer input device (touch sensitive pad in page 26).

Regarding claim 26, SigBox teaches a method of operating a signature capture terminal having an input device (see SigBox in page 26), comprising the steps of: entering a written signature with a stylus (see stylus pen in page 26) into said input device of said signature capture terminal (signature is entered into SigBox's control rectangular window) (page 26), displaying a visual image of said written signature with a display device in response to said entering step (see signature image in page 26); and generating audio feedback in response to said entering step (see "SoundBell Method in page 75, "SoundSetFrequency Method" and "SoundTone Method in page 76). said audio feedback having characteristics correlated to attributes of said written signature ("bell", "alarm", "success", or "fail" sound in pages 75-76).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-6, 13-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over SigBox and Cohen et al ("Cohen", USP 6464135).

Regarding claims 5, 13, and 17, SigBox does not teach that the audio feedback is provided as secure audio. However, the feature of providing audio as secure video is known in the art as taught by Cohen. Cohen teaches an improved system and method for providing multi-function financial services to user, the system supports visually impaired users (col 2, lines 22-37). Cohen further teaches audio information is provided to impaired user via headset (col 3, lines 35-41). Since the audio information is provided via headset, the audio information is secured since other people will not hear the information. It would have been obvious to one of ordinary skill in the art, having the teaching of SigBox and Cohen before him at the time the invention was made, to modify the system for capturing signature and providing audio feedback taught by SigBox to include providing audio information via headset taught by Cohen with the motivation being to enhance security for users when using the system.

Regarding claims 6 and 14, SigBox teaches that the signature capture terminal operates to receive a PIN (GetDUKPTbinaryPIN Method, GetDUKPTtextPIN Method) (page 44) (GetMasterSessionBinaryPIN Method) (page 47), (GetMasterSessionTextPIN Method) (page 48). SigBox further teaches generating audio feedback upon receiving user's input (see "SoundBell Method in page 75, "SoundSetFrequency Method" and "SoundTone Method in page 76). SigBox differs from the claim in that SigBox does not teach that the terminal is a disable access device. However, such feature is known in

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the art as taught by Cohen. Cohen teaches an improved system and method for providing multi-function financial services to user and teaches that the system supports visually impaired users (col 2, lines 22-37). Cohen further teaches that the system receives PIN for user and providing audio feedback corresponding to the input of the PIN (Fig. 3). Cohen also teaches that the system provides audio information via headset (col 3, lines 35-41). It would have been obvious to one of ordinary skill in the art, having the teaching of SigBox and Cohen before him at the time the invention was made, to modify the system for capturing signature and providing audio feedback taught by SigBox to so that SigBox's signature capture terminal can provides financial services for both sighted and visually impaired customers.

7. Applicant's arguments filed on 10/06/04 have been considered but are moot in view of the new ground(s) of rejection.

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

IBM Technical Disclosure Bulletin (December 1975) teaches signature capture devices having a writing surface, a stylus pen, and a microphone that picks up the sound of the stylus pen when a user signs his or her signature.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

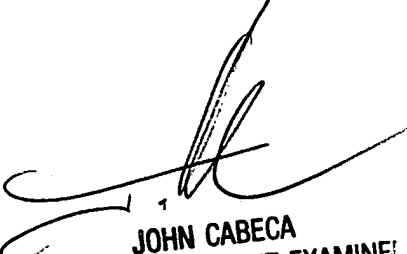
703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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